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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

MOSES T. FEJERAN and)	CIVIL ACTION NO. 05-0033
QIANYAN S. FEJERAN,)	
)	MOTION TO AMEND
Plaintiffs,)	COMPLAINT, ETC.
)	
vs.)	
)	Date: August 9, 2007
AVIATION SERVICES (CNMI), LTD.)	Time: 9:00 a.m.
d.b.a. FREEDOM AIR,)	Judge: Munson
)	
Defendant.)	

Plaintiffs, by and through counsel, and after consultation with counsel for Defendant, move this honorable Court for leave to amend their Complaint to include a cause of action for breach of the CNMI's Consumer Protection Act, for Leave to Conduct Discovery and Retain Expert and in the Alternative, to Prevent Defendant from Asserting the Doctrine of Air Worthiness as an Affirmative Defense.

At the very recent deposition of Defendant's liability expert witness, Plaintiffs were informed that Defendant plans to rely upon a hitherto undisclosed affirmative defense. While Plaintiffs disagree that this affirmative defense insulates Defendants from liability, out of an abundance of caution, Plaintiffs seek to amend their Complaint to contain a cause of action that would not be affected by this affirmative defense. This Motion should be granted as the need to

1 include such a cause of action has only recently become apparent (as this affirmative defense
2 has only recently been revealed). Furthermore, the introduction of this cause of action will
3 result in no prejudice to Defendant and will necessitate no further discovery, either factual or
4 expert. Alternatively, Plaintiffs move this Court to preclude the introduction of Defendants
5 recently revealed affirmative defense.
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8 This Motion is supported by the attached Memorandum In Support, along with its
9 attachments, the pleadings currently on file with this Court and any and all argument to be
10 adduced at its hearing.
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12 Dated: July 13, 2007.

13 O'CONNOR BERMAN DOTTS & BANES
14 Attorney for Plaintiffs Moses T. and
15 Qianyan S. Fejeran

16 By: _____/s/_____
17 GEORGE L. HASSELBACK.
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